UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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G31000 NORTH AMERICA, INC., ALLEN GLUCK,   :
and ALEXIS DALI,
                                                                        :

                                          Plaintiffs,   :   14-CV-3885 (VEC)

                                                                        :

                     -against-   :   ORDER

                                                                        :

CHRISTOPHER M. PARIS and OXEBRIDGE   :
QUALITY RESOURCES, INT'L, INC.,   :

                                                                        :

                                          Defendants.   :

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DATE FILED:_ 12/30/2014 _

VALERIE CAPRONI, United States District Judge:

On November 21, 2014, the Court dismissed Plaintiffs' Complaint that alleged, *inter alia*,

violations of the Lanham Act on the basis that the Court lacked personal jurisdiction over the

Defendants. Dkt. 30. Defendants moved for attorneys' fees pursuant to Rule 54 of the Federal

Rules of Civil Procedure on December 5, 2014. Dkt. 32. Defendants do not seek recovery of
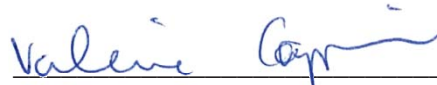
costs. Def. Mem. ¶ 15.

Rule 54(d)(2) provides that a motion for attorney's fees must "specify the

judgment and the statute, rule, or other grounds entitling the movant to the award." Defendants

cite the Lanham Act's damages provision as the basis for the award of fees. Def. Mem. ¶¶ 19-

20. That statute provides, in pertinent part, that "[t]he court in exceptional cases may award

reasonable attorney fees to the prevailing party." 15 U.S.C. § 1117(a). Defendants' motion fails

for two reasons. First, Defendants failed to provide any basis for the Court to conclude that this

was an "exceptional case" which would justify the award of attorneys' fees. Second, a defendant

who obtains a dismissal for lack of personal jurisdiction is not the "prevailing party" for

purposes of fee-shifting statutes because the dismissal is not a ruling on the merits. *Dattner v.*

Conagra Foods, Inc., 458 F.3d 98, 101-02 (2d Cir. 2006) (citing *Buckhannon Bd. & Care Home,*

Inc. v. West Virginia Dep't of Health & Human Resources, 532 U.S. 598, 605 (2001)).

      Defendants' motion for costs and attorneys' fees is DENIED. The Clerk of Court is

requested to terminate Docket Entry 32.

SO ORDERED.

Date: December 30, 2014
       New York, New York

                         VALERIE CAPRONI
                         United States District Judge